

1 work with that act, can we work with that act in a way that
2 would be -- to expedite the rulemaking without doing this
3 redundant, repetitive process?

4 I don't know the answers to that. That's why the
5 TIA response was written this way.

6 MR. VARMA: But you do believe that there's a
7 compelling need for all of these technical requirements to
8 be incorporated into our rules?

9 MR. BERESTECKY: Yes, either by reference or by
10 some process, yes. I -- we believe very strongly that there
11 should be some recognition or codification of what we do.
12 That way it becomes the regulations. That's the mandatory
13 regulations. You've heard everyone speak about that all day
14 that we want some kind of a blessing on those rules.

15 We don't want them to be multiple SDOs writing
16 rules because if you have multiple SDOs writing rules
17 without endorsement -- think of T(1) E(1). They have just
18 written one for spectrum management. Now, TIA decides
19 they've got a different clientele and they write another one
20 for spectrum management. Now you're going to have multiple
21 ones out there. Who are you going to pick? You're going to
22 pick the least restrictive, and that may not be the one
23 that's best for the network.

24 MR. VARMA: But there was some discussion this
25 afternoon that even if there is more than one SDO, there

1 should be SDO that would be the gatekeeper.

2 MR. BERESTECKY: That's right.

3 MR. VARMA: So, to the degree there are a couple
4 of SDOs making different kind of rules, the gatekeeper would
5 probably catch it. Can there be anyone other than FCC that
6 can perform that gatekeeper role so that we are not in it?

7 MR. BERESTECKY: I believe Paul made one
8 suggestion. It could be -- form an advisory committee that
9 could be that gatekeeper role. It could be one SDO. It
10 could be a joint SDO.

11 I don't really know what's the best route but I
12 don't think it has to be the FCC, in answer to your
13 question. I think it can still be the industry.

14 MR. VARMA: Okay. And Chuck, even if you need a
15 reference in our one/two pager, do you believe that this
16 two-page document should have explicit and specific
17 reference to each technical requirement that the SDOs are
18 going to develop on an ongoing basis? Or can the reference
19 be of a general nature so that down the road as new
20 technical requirements are developed, we don't have to go
21 back and revisit that two-page document that would be in our
22 rules?

23 MR. BERESTECKY: My preference is your latter. It
24 would be a general type of a statement. In a sense, it
25 would be a pointer, but not a specific date because we would

1 have what Trone mentioned earlier. We would still be
2 referring to 1978 National Electric Code. And that would be
3 unacceptable.

4 I wouldn't want to see us have to go through a
5 complete -- update every time there is a modification or new
6 technology. It would be my preference -- I haven't thought
7 of a way to do this -- is to have just a nice, single,
8 generic, general statement in there that points to some SDOs
9 requirements.

10 MR. VARMA: And not have to change it?

11 MR. BERESTECKY: Not have to change it.

12 MR. VARMA: Every now and then?

13 MR. BERESTECKY: Yes.

14 MR. VARMA: That might possibly give us an
15 opportunity to avoid issuing it for public notice if they're
16 not going to make any changes to our own rules and regs.

17 MR. BERESTECKY: Let's put it on the table and try
18 to get creative here as to how we handle this.

19 MR. VARMA: I think, John, you have some comment
20 to make. John Godfrey.

21 MR. GODFREY: Yeah, as a practical suggestion, one
22 resource you might to draw on in figuring out exactly how
23 you should go about citing the work of a private sector
24 standards organization when you do, under the Administrative
25 Procedures Act, finally go to the Federal Register. A

1 resource you should turn to is the National Institute of
2 Standards and Technology. NIST has an office of standard
3 services, and they chair an interagency committee on
4 standards policy. Dr. Belinda Collins, I think, is the
5 current chair.

6 And they work with the FCC and other regulatory
7 agencies as well as procurement agencies on learning from
8 each other how best to interface with the consensus
9 standards process. And I'm sure they could give you very
10 practical advice on this.

11 What underlies this is the fact that, for about 20
12 years, the Office of Management and Budget Circular A119 has
13 directed agencies to rely on consensus standards from the
14 private sector wherever possible, in setting regulations and
15 procurement specs and to participate in their work. And
16 also, in 1995, the National Tech Transfer and Advancement
17 Act of 1995 made the OMB circular, gave it the force of law,
18 and put a reporting requirement in.

19 So, in fact, the paradigm we're contemplating for
20 the setting of the technical requirements is very
21 mainstream. It's intended to be the default for federal
22 agencies to operate this way.

23 MR. VARMA: Trone? Go ahead.

24 MR. BISHOP: Yes. This is Trone Bishop. I would
25 also like to make a comment about the ways to reference a

1 standard.

2 One thing we certainly could reference a standard
3 by name but not mention the particular addition. Now, the
4 standards body might, along the way, want to introduce new
5 technology so they write new rules. So they've got a -- the
6 1999 version, but they write a year 2000 version that
7 includes some new technology.

8 If the year wasn't mentioned in Part 68, perhaps
9 that would be sufficient. But I'm afraid we're going to run
10 into a problem that might be a standards development
11 organization can't solve. And that is, grandfathering, the
12 issue of grandfathering equipment. That's normally
13 something that the FCC has dealt with based on public
14 policy.

15 So, as new rules are introduced, FCC usually
16 introduces grandfathering clauses. They're not all
17 identical. They seem to vary a little bit per the
18 particular situation the FCC's dealing with that the time.

19 So the question might be -- I might give a
20 question back to you, and that is, if a standards
21 development organization wrote a standard, would they also
22 be expected to write the particular grandfather clauses, or
23 would you ask them for recommendations and you would write
24 the clauses? It's an issue that would have to be worked out
25 because grandfathering oftentimes is an important issue with

1 equipment.

2 MR. VARMA: Bill, do you wish to comment on that?

3 MR. HURST: Yes. Bill Hurst with CCL. Just a
4 comment. In our comments, we had proposed that they be
5 included. And the basis for that is we feel that the FCC
6 needs to have that final control as to the adoption of the
7 particular standard.

8 One thought comes to mind here as we look at it
9 and obviously, I don't understand the administrative act
10 that needs to be followed. But if we can reference
11 particular standard and then through the public notice
12 process identify that the current edition of this standard
13 is such and such. Instead of having to change the actual
14 rules, if we can just notify the public through a public
15 notice that this is the current issue of the standard. And
16 within that, we can identify the dates as Trone mentions as
17 to when the standard goes into effect and any grandfather
18 period that can take place.

19 I guess I raise the question, is it possible to do
20 that through the public notice route instead of actually
21 going through rule changes?

22 MR. VARMA: I'm not sure I fully understand your
23 comment. Are you saying that after ANSI and SDO have gone
24 through an open public process and come up with a standard
25 or other technical requirement, that the Commission should

1 issue it for public notice again?

2 MR. HURST: No, no. What I'm saying is that all
3 the FCC would need to do is announce that this is the
4 current edition of the standard.

5 MR. VARMA: Every time there's a new technical
6 requirement, you want us to issue that?

7 MR. HURST: When the ANSI organization publishes a
8 new standard, the new edition of the standard, that a --
9 through the public notice route, that the public is notified
10 that there is a new standard.

11 MR. VARMA: Oh, okay.

12 MR. HURST: And thereby you have made that -- you
13 are included in that whole chain of events so that through
14 that announcement that is putting the word out that that is
15 the --

16 MR. VARMA: Latest edition, so to speak?

17 MR. HURST: That is the latest edition that is
18 recognized by the FCC.

19 MR. VARMA: Okay. Okay. Mr. Whitesell?

20 MR. WHITESELL: Thank you. Steve Whitesell,
21 Lucent Technologies. I think we can look somewhat here to
22 the UL standards process and the way they implement changes
23 to their standards. When they put in a change, they
24 generally put it in with an effective date, some point in
25 the future which is the equivalent of grandfathering for

1 some period of time.

2 So perhaps we can look at the process that they
3 use there as a way of providing a grandfathering-type period
4 in our standards. Just look at that as a model is my
5 suggestion. Thank you.

6 MR. VARMA: Kurt, do you want to take a break
7 here?

8 MR. SCHROEDER: Yes, why don't we take a break?
9 It's actually about 3:30 now. Why don't we reconvene at
10 3:45?

11 (Whereupon, a short recess was taken.)

12 MR. SCHROEDER: If you'll take your seats, please,
13 we'll get started on our last hour. Did you have more
14 questions, Yog?

15 MR. VARMA: I'll wrap it up quickly.

16 MR. SCHROEDER: Okay.

17 MR. VARMA: Anh, I have a couple of questions for
18 you. I believe that you mentioned in your presentation that
19 the SDOs must use an open forum, that they must be
20 accredited by ANSI, and that there should be one lead SSO
21 playing the role of the gatekeeper. My question is, what
22 exactly would you like the Commission to do to ensure that
23 your agenda is fulfilled? What do we need to do to make
24 sure that the SDOs use an open forum? What do you need us
25 to do to make sure that there's one lead gatekeeper SDO?

1 What do we need to do?

2 MS. WRIDE: Perhaps as part of the regulations or
3 you know, when you start this process, perhaps have
4 somewhere in a document or perhaps part of Part 68 to
5 identify the matrix for the SDO that is going to be the
6 gatekeeper such that a broad cross-section of the industry
7 is represented. And that would ensure that everybody's
8 represented.

9 If you choose two SDOs, you can choose just one
10 SDO to be -- to just work on it and be the gatekeeper. But
11 if you choose to have two SDOs, then the gatekeeper has more
12 responsibilities in reviewing what has been coming out of
13 the other SDO.

14 MR. VARMA: Okay.

15 MS. WRIDE: So what we just want to see is to make
16 sure that accidentally some section of the industry is not
17 forgotten, you know, so that there's no injustice there.

18 MR. VARMA: So as for the gatekeeper SDO is
19 concerned, I take it that you would envision that the
20 gatekeeper SDO has membership that comes from all segments
21 of the industry. So for example, there would be some member
22 or members from the local exchange carriers.

23 MS. WRIDE: Yes.

24 MR. VARMA: There probably would be membership
25 from the independent testing laboratories.

1 MS. WRIDE: Yes.

2 MR. VARMA: There might be membership from
3 manufacturers. And there might be some other memberships.
4 I don't know whether you need to distinguish between the
5 incumbent local exchange carriers from the competing local
6 exchange carriers. Their interests probably are going to be
7 similar as far as the protection of the network is
8 concerned. But you would like to see the gatekeeper SDO to
9 have a broad-based membership?

10 MS. WRIDE: That's right, yes.

11 MR. VARMA: Would you like that spelled out in
12 Federal Rules? Or is it something that can be left to the
13 industry to make sure that everyone whose interest is at
14 stake is on the membership of the gatekeeper SDO?

15 MS. WRIDE: As long as the process is open. I'm
16 not sure that, you know, that the SDO -- there might be a
17 chance that the SDO may not have that interest at heart.
18 The FCC is mandated to protect the public interests. So if
19 you spelled out in the regulations, then it is the law. If
20 you leave it to industry, it might work, too. But there is
21 always a chance that there might be some accidental
22 oversight from the industry point.

23 MR. VARMA: Okay. I suppose the only comment I
24 would make is that I would like to see a minimal role for
25 the Commission. And if incorporating these requirements in

1 our rules is an absolute necessity, so be it. I am willing
2 to accept that as a minimal role. But to the degree that it
3 is possible to avoid, in putting this in Commission rules, I
4 think that would be better from my own point of view. But
5 if it is required, then I suppose it has to be done.

6 Go ahead, Chuck.

7 MR. BERESTECKY: I think if you go back and you
8 look at what the TIA recommended, it recommended that you
9 use an accredited -- ANSI-accredited SDO, and that they
10 would have to follow procedures for -- that's being followed
11 (phonetic) by accredited SDOs under the ANSI procedures.
12 But we also added the requirement that the Commission put
13 out a public notice announcing this new project, its venue,
14 the SDO, et cetera, I believe that that would accomplish
15 exactly what we want with very minimal oversight by the
16 Commission.

17 You put out a public notice just as you do today
18 for a rulemaking, but here, you're putting out a public
19 notice and saying, "This project is going to be worked on by
20 SDO in this venue, and here's your contact. And you are
21 certainly welcome. Anyone is welcome to participate, call
22 that party." And that in itself should take care of getting
23 the broad representation. That should help get the broad
24 representation in there. And you don't have to write it in
25 your rules. You help by putting out a public notice.

1 MR. VARMA: Fair enough. Okay. Thanks very much.
2 Go ahead.

3 MR. CARLO: I'm Jim Carlo from Texas Instruments.
4 I'm also chair of IEEE802, which is the SDO that's
5 responsible for all of the ethernet standards. So,
6 certainly, this is -- and, also wireless. So we are
7 actually working with the FCC on some of the wireless
8 standards.

9 I think what Chuck said is very important. That
10 the SDO, when it does a project, needs to know that its
11 standards going to be referenced by the FCC because what
12 that will do is mean that people who normally respond to the
13 FCC request would come to the SDO, and do I say this nicely?
14 Fight the battle there and fight it one time, rather than
15 having the SDO do a reference standard. Then, have the FCC
16 say, "Ah, we're going to reference this standard," and say,
17 an NPRN comes out and then we end up fighting the battle a
18 second time.

19 So I think what's very important is that as part
20 of the SDO process when a project is approved by ANSI, and
21 it would be approved by ANSI, and there's an announcement
22 that goes out, that we also try to have the FCC at that
23 point in time let people know this is something that the FCC
24 cares about, is going to reference. And then the consensus
25 process will then work with that as a goal in mind.

1 So I think I agree very much with what Chuck said.
2 Thank you.

3 MR. VARMA: Thanks very much. I only have one
4 more question actually, and this is for Paul Hart.

5 I think Paul, you had made one point loud and
6 clear, which was that we must stay with it. Can you just
7 explain to us or identify a little bit more as to what
8 exactly you mean that we must stay with it?

9 MR. HART: Paul Hart, USTA. It's difficult to
10 respond to that directly because I'm not -- I've been
11 involved on USTA's behalf in a lot of FCC proceedings. But
12 I don't know how the Commission would do that. Maybe a
13 notice. Maybe by -- as a result of this activity. For
14 example, and in response to these comments, publishing a
15 statement of some sort declaring the intent of the
16 Commission to proceed along this path that follows the
17 notice that's already been given. Laying out the intent of
18 the Commission as to the steps it intends to take. I don't
19 know what else you could do.

20 Primarily, the result of whether or not that
21 happens is going to be seen as we go. In the case of --
22 and, I hate to continue to allude to the numbering issue.
23 You folks have an authority and a responsibility in that
24 regard that is not an option. The Part 68 rules are an
25 elective thing that the Commission decided to do many years

1 ago in order to protect the network from harm and to provide
2 for registration equipment attachment and all that.

3 Maybe some sort of a restatement of that intent
4 and allegiance in this entire proceeding would do it. It
5 might be all that you can do. But the message is intended
6 to be more helpful than critical, certainly.

7 The fact is that I believe that to the extent that
8 the industry believes that the Commission is committed to
9 this and will take whatever actions it needs to in order to
10 make sure this works, then I think the industry is going to
11 be very anxious to assist in figuring out ways that the
12 Commission can do the least amount of involvement necessary.
13 On the other hand, there is going to be a certain level of
14 involvement that will be required if it's going to work,
15 because without the Commission's stand behind this and a
16 determination to enforce the rules and the process, it's not
17 going to be effective.

18 And that's why -- that's one of the reasons it's
19 worked up to this point. And if we're going to keep it
20 working, we have lots of opportunities to change the method'
21 in which you do it. But the Commission's got to remain
22 behind it. That authority and that determination has got to
23 stay there.

24 MR. VARMA: Thanks, Paul. I appreciate it. Kurt,
25 these are all the questions that I have.

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1 MR. SCHROEDER: Thank you very much, Yog. John or
2 Susan? Oh, we have a comment?

3 MR. BIPES: John Bipes, Mobile Engineering. I
4 appreciated Paul Hart's comment before the break and now his
5 elaboration on that. And I've been thinking a bit about
6 perhaps what it is that -- within me. I think he is trying
7 to say or that I would second that he is saying, and that is
8 -- and, I also want to preface my comment by saying that I'm
9 trying to be helpful and not critical.

10 I think that finally when we develop the widest
11 consensus possible, not only in the telecom industry, but
12 consumers using CPE and whatnot, finally, we do have
13 something called "We the people," which finally results in
14 something we call the Federal Communications Commission.
15 The Commission has a unique ability that no private entity
16 has. And that has to do with SDOs, DOCs, whatever. And
17 that is that it, at least theoretically, it -- I don't mean
18 any joke here. That it cannot be bought, sold, it can't
19 quit business, it can't be -- it can't just retire and no
20 longer be an entity.

21 That it, for example, has the capability of
22 interfacing with U.S. Customs, when we're talking about
23 importation of telecom equipment, that's something that no
24 private entity I don't think is deputized to do the way the
25 FCC is.

1 The FCC finally, as we the people, has the ability
2 to operate without specific funding in that it ultimately
3 will operate with tax funding, if necessary. And finally,
4 the FCC has to be I think the court of last appeal when that
5 sort of thing is needed.

6 Now, I want to say in conclusion that I do -- I am
7 one who believes in the minimum government necessary. I
8 don't think we should have anymore than is absolutely
9 necessary. But I do think that as we're all searching for
10 some unification, some standard basis, something that will
11 meet these criteria that I've enumerated, finally, the FCC
12 or a Federal Telecom Commission or something like that is
13 going to have to fulfill that role.

14 MR. SCHROEDER: Thank you.

15 MR. SALINAS: Jim Salinas, SBC. To the question
16 earlier on how the Commission can show that we will be
17 there, and we'll be strong behind you, a real good example
18 of that showed up recently. When the T(1) E(1).4 group was
19 putting together the spectrum management paper, it was at
20 the request and working with the FCC in the process all the
21 way down from beginning to end, down to voting. Now we've
22 got to the ballot stage, and it's going to be come a
23 national standard.

24 Just as this part happening, another portion of
25 the FCC is turning around and asking for white papers on how

1 we're going to do spectrum management, when here's a
2 standard committee sitting over here that did work with the
3 FCC to create this unit. The paper's already been published
4 and everything.

5 And then I've got the Technology Advisory Council
6 turning around and asking, "Well, whoa. We are not starting
7 to look at spectrum management, how they all want us to do
8 it." That's not saying, "I'm standing behind you." You
9 need a real strong -- that the FCC, "This is the direction
10 that we said. This is the direction that we follow." Don't
11 put me through all that work and then turn around and change
12 the rules because what's going to happen is you will
13 frustrate the standards committees, and they'll all go away.
14

15 So you've got to be very careful when you say,
16 "Yes, I'm behind you."

17 MR. HART: Paul Hart, USTA. I'd only like to add
18 one thing to that. In my view, the inquiry that
19 Technological Advisory Council is asking, to me is
20 reinforcing, because they are looking far forward and asking
21 questions about what the future -- the far future's going to
22 look like. So, to the extent that they are asking questions
23 like that and trying to get input for the Commission's
24 benefit, to me is a positive, rather than a negative. I
25 don't think that is in conflict with what we are talking

1 about here. Thank you.

2 MR. SCHROEDER: Thank you, Paul. Anyone else?
3 Comments on that subject? Okay. John, would you like to --

4 MR. BERRESFORD: Yes, I have two or three
5 questions. John Berresford, Common Carrier Bureau.

6 Following up on the recent colloquys about what
7 continuing role for the Commission, I've written a short
8 list, which I emphasize is just mine, of things that the FCC
9 might do. And I want to just run through it and maybe then
10 get any comments about, is there anything that I put on the
11 list that shouldn't be there? Is there anything that I've
12 left out?

13 It seems to me what we've been talking about is
14 (a) some form of participation in the standards development
15 process, (b) continuing to state general policy in 47 C.F.R.
16 Part 68, and to the extent we delegate specific standard
17 adopting authority to a private body, making it clear that
18 that private body's decisions have the force of law and are
19 the standard for the whole country, all other things being
20 equal, (c) being a forum for appeals of the private standard
21 setting body or maybe to get to intervene in its activities
22 if it turns out there is deadlock or we don't like the way
23 it's going, and (d) in the event of a registration that is
24 imprudently granted or a misrepresentation, we would come in
25 and give stiff fines or maybe the loss of recognition for

1 some company or testing body or something like that.

2 That's the end of my list. Would anyone suggest
3 that something be stricken from that list or something be
4 added to that list?

5 MR. SCHROEDER: Mr. Bipes?

6 MR. BIPES: John Bipes, Mobile Engineering. Did I
7 hear you say, John, the enforcement -- strong enforcement?

8 MR. BERRESFORD: I was trying to include that.

9 MR. BIPES: Okay.

10 MR. BERRESFORD: That would be a general heading
11 for I guess the last item on the list.

12 MR. BIPES: Okay. And if TCBs should come about,
13 hopefully, in line with my previous comment, in that FCC
14 does not get bought or sold or go out of business, I think
15 FCC is going to have to keep a database on whatever is
16 granted to a manufacturer that would be equivalent to the
17 present registration number, so that those records are not
18 lost or something.

19 MR. BERRESFORD: Okay.

20 MR. HART: Paul Hart, USTA. I think there's one
21 thing on the list, and that it's probably given, but that
22 the Commission would have to manage international affairs
23 and harmonizations and whatever else you have to do in order
24 to be sure that the entire registration program and activity
25 in the U.S. conformed and interfaced in an appropriate

1 manner with overseas activities so as number one, not to let
2 equipment that is substandard be sold and attached in the
3 U.S. And to make sure that U.S. manufactured products were
4 not disadvantaged in overseas markets.

5 To the extent that would occur as a result of
6 warps in the registration activities or the equivalent of
7 those things worldwide, I think that's one thing that would
8 need to be on your list.

9 MR. CHAMNEY: Cliff Chamney with Sprint. I think
10 there should continue to be some sort of a national
11 compliance mark.

12 MR. HURST: Jim Hurst, SBC in my case. Dispute
13 resolution, was that in your list?

14 MR. BERRESFORD: Yes.

15 MR. HURST: Did you see it someplace in there?

16 MR. BERRESFORD: Yes.

17 MR. SCHROEDER: Anh Wride?

18 MS. WRIDE: I just wanted to clarify that perhaps
19 the idea of the centralized database is probably not needed.
20 You could have a distributor database, as well, and you
21 place it on either the SDO, the manufacturers or the TCBs.
22 The FCC does not have to be the centralized -- does not have
23 to keep the centralized database. The FCC just needs to
24 monitor it.

25 MR. HART: Paul Hart, USTA, again. I think it's

1 not anywhere near as important as to how this is
2 accomplished, but that you retain the capability. I believe
3 that each piece of the equipment that is declared or
4 registered or whatever it is done to be in compliance with
5 the rules has to have some sort of a mark on it that
6 identifies it uniquely.

7 So that if I get a piece of equipment, I may have
8 lost part of it. I may not know who manufactured it. I may
9 not know who registered it. I've got to be able to take the
10 number and be able to run a trail back to find out how that
11 thing got approved and how -- who was responsible for it.
12 In the event that something shows up in a case like that, I
13 believe you need -- somewhere needs to be a centralized
14 point you can go to, to track these things backwards.

15 MR. SCHROEDER: Clint?

16 MR. PINKHAM: That particular point's been the
17 subject of quite a lot of discussion. And as a
18 manufacturer, I'd like to make the point one more time that
19 the manufacturer is ultimately responsible for the product
20 that he makes and puts on the market. And it all comes down
21 to him eventually, which is why I suggested that we go with
22 a manufacturer's declaration of conformity.

23 No matter who does the testing, no matter who did
24 the approvals, eventually it's the manufacturer whose name
25 appears on that product who's going to be held responsible

1 for it, period.

2 MR. SCHROEDER: Chuck?

3 MR. BERESTECKY: Chuck Berestecky. I'd like to go
4 back to two points, one raised by Anh on the database and
5 the other one on the compliance mark.

6 I think both of those are going to be subject of
7 some debate. I think that the distributor database will
8 work just as well as a centralized database. I think there
9 needs to be one, but how it is done is something else. And
10 whether it needs to be administered by the FCC, I think we
11 can debate.

12 As for the compliance mark, we, as manufacturers,
13 do not have room on our products for all the compliance
14 marks that are going on them. So we need to talk about
15 another way of handling that. And I believe a
16 manufacturer's name on a product and a model number does
17 give you sufficient evidence to find out who owns that
18 product, who's responsible for that product. So I don't
19 think we need another compliance mark. Thank you.

20 MR. SCHROEDER: Thank you. Any other questions,
21 John?

22 MR. BERRESFORD: I had one or two other questions.
23 One last comment for Mr. Shinn?

24 MR. SHINN: John Shinn, Nortel Network. One
25 comment for Chuck was we're getting rid of the Part 68

1 statement. Now you're going to have a lot of room for
2 labels.

3 (Laughter.)

4 Now the second we're going to add is -- we're
5 talking about was -- and the centralized database. Now, if
6 we're having a TCB, which is going to be different from
7 actually the supplier declaration of conformity. And I
8 think we're going to have to look at that and differentiate
9 between those and which is the subject of tomorrow's panel.
10 But that's going to have to be an issue that will be brought
11 up.

12 And I like the idea of the little logo that, like
13 for the past 15 years, is at least it's something that's
14 identified the product, is actually in compliance, either
15 whether it's a Part 15 declaration of conformity or Part 68.
16 So at least it's something that the consumer can identify
17 readily that this has been verified, tested or whatever.
18 And of course, maintain the declaration of conformity
19 statement in the manual.

20 MR. SCHROEDER: Thank you. My next question was
21 sort of a clarification of the possibility that several
22 people mentioned about using several SDOs. I believe what
23 the people who said that meant was that for instance, we
24 might have one body set standards for hazardous voltage, and
25 a second set of standards for not interfering with telephone

1 company billing equipment.

2 I would like to know if anyone thinks it is either
3 practical or desirable for the Commission to have two or
4 more SDOs each setting a standard for hazardous voltage so
5 that there might -- body A would come out with a standard of
6 no more than four volts, and body B would come out with a
7 standard of no more than three volts. And a manufacturer
8 could choose which set of standards to comply with.

9 Is there anyone who thinks that something like
10 that would be either practical or a good idea? Hearing
11 none? Okay.

12 If all you want to say is no, I will go on to my
13 next question.

14 MR. BERESTECKY: Chuck Berestecky. The answer is
15 no.

16 MR. SCHROEDER: Okay.

17 MR. HART: Sorry about that. But the role of the
18 SDOs that are accredited and operate under ANSI rules to a
19 significant degree, they have a responsibility not to do
20 that anyway.

21 MR. SCHROEDER: Okay.

22 MR. HART: And so, what you need to do is just
23 reaffirm that you're not going to do that.

24 MR. SCHROEDER: I withdraw the question.

25 MR. BERRESFORD: My last question, getting back to

1 some things that perhaps only the FCC can do, or the FCC not
2 going out of business, there -- I'm putting on my antitrust
3 lawyer's hat -- and pardon me if what I'm about to say
4 sounds very suspicious or perhaps even paranoid. But there
5 is always a problem in delegating power to industry standard
6 setting bodies. And the fear is always that those bodies
7 are going to be dominated by certain people who are going to
8 make decisions in their interests rather than in the public
9 interest.

10 In particular, bodies can be dominated by large
11 companies that have an investment in existing technology to
12 the exclusion of new companies that have an interest in
13 deploying new technology. I could conceive, for example, of
14 a large company, either a carrier or a manufacturer that
15 wasn't quite ready to deploy DSL on a widespread basis, not
16 wanting to certify any DSL CPE until it had gotten its DSL
17 act together, which might be two, three, five years.

18 I can also see industry standard-setting bodies or
19 a private body in a situation where you had Company A and
20 Company B with two different kinds of operating CPE, and the
21 issue turning into one of -- well, are we -- who has more
22 power in the body? Company A or Company B? Rather than how
23 do we come up with a standard that's going to let both of
24 them work or that will make sure -- if neither one is going
25 to hurt the phone network.